

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

WILLIE DAVIS, JR.,) CA No 04-0414-KAJ
NATHANIEL BRIDDELL,)
GEORGE W. FEDDIMAN,)
JOSEPH GARRISON,)
LARRY E. GIBBS,)
ROY H. WALTERS,)
ALL SIMILARLY-SITUATED CURRENT AND)
FORMER EMPLOYEES OF MOUNTAIRE)
FARMS, INC., MOUNTAIRE FARMS OF)
DELMARVA, INC., and MOUNTAIRE FARMS)
OF DELAWARE, INC.,)
Plaintiffs,)
v.)
MOUNTAIRE FARMS, INC.,)
MOUNTAIRE FARMS OF DELMARVA, INC.,)
and MOUNTAIRE FARMS OF)
DELAWARE, INC., all Delaware)
corporations,)
Defendants.)

...
Deposition of NATHANIEL BRIDDELL, taken
pursuant to notice, on Thursday, January 27, 2005 at
10:00 a.m. at Young, Conaway, Stargatt & Taylor,
Georgetown, Delaware, reported by Lorena J. Hartnett,
a Registered Professional Reporter and Notary Public.

...

EXHIBIT

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1 doing that?
 2 A. Yes.
 3 Q. Okay, and the same thing if somebody
 4 wanted to have a smoke, same thing?
 5 A. Yes.
 6 Q. All right. The catchers receive a one
 7 half hour lunch break; correct?
 8 A. No.
 9 Q. No?
 10 A. No.
 11 Q. They are supposed to, aren't they?
 12 A. I don't know.
 13 Q. You don't know?
 14 A. No.
 15 Q. Well, from the time that you were
 16 catching in '89 until '03, did your people ever
 17 take a lunch break?
 18 A. Yes.
 19 Q. When did they take their lunch break?
 20 A. Whenever -- Say if I was catching
 21 chickens in Crisfield --
 22 Q. Uh-huh.
 23 A. -- and my manager sent me three
 24 trucks, it would take 45 minutes to load a truck.

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1 That first truck cannot travel from Crisfield to
 2 Selbyville and back to Crisfield before they
 3 catch the other two. That's when they would take
 4 their lunch break or some lunch of sort.
 5 Q. And who would tell them when to take
 6 that break?
 7 A. You took it on your own because they
 8 didn't have nothing to work with. They didn't
 9 have a truck there.
 10 Q. Okay, I see, so there was nothing that
 11 they could do?
 12 A. There was nothing they could do.
 13 Q. Normally the trucks are backed up,
 14 aren't they, one waiting for another?
 15 A. Starting off, yes, depending on how
 16 far you are from the processing plant.
 17 Q. Uh-huh.
 18 A. And the working conditions.
 19 Q. Okay. So, as long as there was a
 20 truck there, they kept working?
 21 A. Kept working.
 22 Q. And when there wasn't a truck there
 23 and they couldn't work, you are saying that's
 24 when you told them to take lunch?

1 A. The majority of the time.
 2 Q. Okay. And is that how it worked from
 3 all the time that you were a crew leader?
 4 A. Basically, yes.
 5 Q. Okay. Just to make sure that I
 6 understand your testimony here, that is the only
 7 half an hour -- Well, that's the only lunch break
 8 your crew took?
 9 A. Sometimes it could happen two or three
 10 times a day, waiting on trucks, and that's when
 11 they would eat.
 12 Q. Okay.
 13 A. Travel time, that's when they would
 14 eat. Most of the time they would bring their
 15 lunch. A lot of times they would bring their
 16 lunch.
 17 Q. Uh-huh. Well, when you began, when
 18 you picked up your crew, you had an order that
 19 you picked your people up in, didn't you?
 20 A. Yes.
 21 Q. And after you got pretty much all of
 22 the crew together, let me ask you -- Let me
 23 retract that statement and ask you this: Did any
 24 members of your crew get themselves to the farms,

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1 transport themselves to the farms?
 2 A. Yes.
 3 Q. Okay, so how many people did you have
 4 to pick up?
 5 A. Six, probably six every day.
 6 Q. Okay.
 7 A. There was times when I picked up the
 8 whole, down through the years.
 9 Q. Okay, but mostly it was five or six?
 10 A. Or seven.
 11 Q. Five, six or seven?
 12 A. Yeah.
 13 Q. But seven was your entire crew?
 14 A. Chicken catchers.
 15 Q. Right. Okay, let's talk about when
 16 you picked up the five -- After you got the five,
 17 six or seven that you picked up and you are
 18 traveling on the way to the farm, was it normal
 19 to stop someplace to get a cup of coffee --
 20 A. Yes.
 21 Q. -- get cigarettes, get a sandwich --
 22 A. Yes.
 23 Q. -- do this, do that? And how long did
 24 those stops take, approximately?

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1 A. Ten to 15 minutes.
 2 Q. That's all? Did people ever eat there
 3 at that point?
 4 A. No.
 5 Q. No? Okay. Then you would go to the
 6 farm?
 7 A. Yes.
 8 Q. And when you would go from one farm to
 9 another, did you ever -- It's normal to stop
 10 again, isn't it, --
 11 A. Yes.
 12 Q. -- if a place is around? And how long
 13 did those stops last generally?
 14 A. Ten, 15 minutes.
 15 Q. Ten, 15 minutes?
 16 MR. BREWER: This would be a good time
 17 for a break. It's three minutes of noon.
 18 Your lawyer will tell you that during the
 19 lunch break, obviously, you can chat about,
 20 even she can chat about anything at all you
 21 like except the deposition. Okay, so we
 22 will take a break and see you back -- We
 23 will take about an hour lunch break.
 24 (A lunch recess was taken.)

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1 A. BY MR. BREWER:
 2 Q. Okay, let's go. Mr. Briddell, let me
 3 ask you this question, if I may: Could you
 4 recommend the promotion of one of the catchers to
 5 be a forklift operator?
 6 A. No.
 7 Q. You couldn't do that?
 8 A. Could I? Oh, let me rephrase it. You
 9 said could I recommend?
 10 Q. Yes.
 11 A. Yes, I could ask Doug about it, yes.
 12 Q. We had talked earlier about your
 13 giving some oral reprimands to people for various
 14 reasons. Did you ever give anybody anything more
 15 than an oral reprimand?
 16 A. Yes.
 17 Q. Okay, do you remember who, by any
 18 chance?
 19 A. Charles Hitchens.
 20 Q. Okay. Do you remember when that was?
 21 A. No.
 22 Q. Okay. Anybody else you can think of?
 23 And I understand -- Again, I understand I am
 24 asking you to go back in time. There may have

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